

ARKANSAS SUPREME COURT

No. CR 06-1311

BENNY L. HULSEY
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered March 1, 2007

PRO SE MOTION FOR LEAVE TO
FILE BELATED BRIEF [CIRCUIT
COURT OF BENTON COUNTY, CR
2000-1178, HON. TOM J. KEITH,
JUDGE]

MOTION GRANTED.

PER CURIAM

A jury found appellant Benny L. Hulsey guilty of indecent exposure and first-degree sexual abuse and sentenced him to an aggregate term of thirty years' imprisonment in the Arkansas Department of Correction. The Arkansas Court of Appeals affirmed the judgment. *Hulsey v. State*, CACR 01-1342 (Ark. App. Sept. 10, 2003). Appellant filed a *pro se* petition for postconviction relief under Ark. R. Crim. P. 37.1, which was denied as an impermissible second petition. This court reversed and remanded for consideration of the merits of the petition, as it was the first petition filed following the mandate on direct appeal and was timely. *Hulsey v. State*, CR 04-1386 (Ark. Dec. 8, 2005) (*per curiam*). Following remand, the trial court entered an order denying relief on the petition, and appellant lodged a *pro se* appeal of that order in this court. Now before us is appellant's *pro se* motion seeking permission to file a belated brief.

Appellant's brief was due to be filed in this court on January 3, 2007. Appellant tendered a motion for an extension of time to file the brief on January 4, 2007, and a brief that was not

compliant with Ark. Sup. Ct. R. 4-7 on January 5, 2007. Because appellant tendered a brief within two days of the due date, albeit a non-compliant brief, we grant the motion to file a belated brief. However, appellant must revise his brief in accordance with our rules as he was advised upon tendering his first brief. Appellant's revised brief is due within fourteen days of the date of this opinion.

Motion granted.